

Notice of Allowability	Application No.	Applicant(s)	
	10/751,622	EBENBECK ET AL.	
	Examiner	Art Unit	
	Susannah Lee	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/27/04.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/1/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Claims 1-32 are pending in the instant application.

Claims 25-32 are canceled as being non-elected.

In Claim 4, p. 24, line 9, delete "-CH₂CN,".

In Claim 7, p. 24, line 19, delete "ethinyl" and replace with ---ethynyl---.

In Claim 8, p. 24, lines 23-24, delete ", optionally in the presence of an organic solvent which is at least 90% inert under the reaction conditions".

In Claim 15, p. 25, line 12, delete ", and optionally further in the presence of bases".

In Claim 21, p. 26, line 3, delete "alkines" and replace with ---alkynes---.

In Claim 22, p. 26, line 7, delete "and/or" and replace with ---wherein anions of the copper salts are selected from the group consisting of---.

Art Unit: 1626

DETAILED ACTION

Claims 1-32 are pending in this application.

Information Disclosure Statement

Applicant's information disclosure statement (IDS), filed on 06/01/2004 has been considered. Please refer to Applicant's copies of the 1449 submitted herewith.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on Application number 10300123.9 filed in Germany on 01/07/2003, which papers have been placed of record in the file. The application names an inventor or inventors named in the prior application.

Response to Election/Restrictions

Applicant's election *without traverse* of Group I in the reply filed on 12/27/2004 is acknowledged.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Diderico van Eyl on 02/08/2005.

The application has been amended as follows:

Claims 25-32 have been canceled as being non-elected.

In Claim 4, p. 24, line 9, delete "-CH₂CN,".

Art Unit: 1626

In Claim 7, p. 24, line 19, delete "ethynyl" and replace with ---ethynyl---.

In Claim 8, p. 24, lines 23-24, delete ", optionally in the presence of an organic solvent which is at least 90% inert under the reaction conditions".

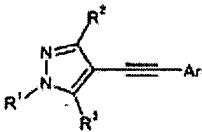
In Claim 15, p. 25, line 12, delete ", and optionally further in the presence of bases".

In Claim 21, p. 26, line 3, delete "alkines" and replace with ---alkynes---.

In Claim 22, p. 26, line 7, delete "and/or" and replace with ---wherein anions of the copper salts are selected from the group consisting of---...

Reasons for Allowance

The present invention is directed to a process for preparing pyrazolylalkyne

compounds of formula (I), . The closest prior art of record is in the Journal of the Chemical Society, Perkin Trans. 1, 1999, 3713-3720 (Tretyakov et al.), which teaches a similar process of preparing pyrazolylalkyne compounds. The difference is that in the instant application, the starting material (pyrazole) undergoes a substitution reaction with a palladium catalyst, followed by an elimination reaction, followed by halogenation, followed by an elimination reaction to yield the product. The prior art of Tretyakov teaches a process where the starting material (pyrazole) undergoes a substitution reaction with a palladium catalyst to yield the product (see Scheme 3 on p. 3715).

Telephone Inquiry

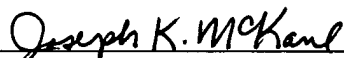
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susannah Lee whose telephone number is (571) 272-6098. The examiner can normally be reached on M-F, 8am-5pm.

Art Unit: 1626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susannah Lee
Patent Examiner, AU 1626



Joseph K. McKane
Supervisory Patent Examiner
AU 1626
Date: 02/14/05